for the purposes of addressing the Section 112 rejections and not for purposes of distinguishing prior art. The Examiner rejected claims 1-2 under 35 U.S.C. § 102(e) as being anticipated by Wilkinson. The Examiner also rejected claims 1, 3, 10 and 18-19 as being anticipated by Wilson and Phillips. Independent claim 1 requires "a connector connected to the frame, the connector being adapted to rotate about the first axis and a footplate attached to the connector, the footplate defining a first end and a top plane such that the footplate is also adapted to rotate about the first axis." In other words, the first claim requires that both the connector and footplate be adapted to rotate about the first axis.

The L-shaped frame of the present invention has two legs, a horizontal leg and a vertical leg. The first axis is defined by the horizontal leg. The connector and the footplate are both adapted to rotate about the horizontal leg of the present invention. The cited prior art on the other hand, does not teach, suggest or disclose the rotation of the connector and the footplate about the axis defined by the horizontal leg of the L-shaped frame. In fact, the cited prior art teaches away from such use.

For example, Wilkinson teaches that "[a]n appropriate fastener 94, such as a rivet, may be used to *secure* the plate 90 to the foot portion 80, if desired or if required. However, as shown in Fig. 9, and as also may be understood from Fig. 2 and from Figs. 1 and 4, the end or tip 82 of the tubular member 76 is flattened so that the plate 90 is held relatively *securely* therein. Thus, at the front end of the foot portion 80, the tips 92 of the plate 90 and 82 of the tube 72 are flattened adjacent to each other." Wilkinson, Col. 4, lines 15-24 (emphasis added). As Wilkinson suggests, the rivet must *not* be movable such that the tubular member and plate are secured to one another. Wilkinson further explains that, with respect to Fig. 11, "[i]nstead of having the

plate 90 extend through the slot 84 and into the interior bore 74 of the tubular member 72 at the foot portion 80, the plate 92 is simply appropriately *secured* to the bottom of the foot portion 80 by a pair of appropriate fasteners 96, such as nuts and bolts." Wilkinson, Col. 4, lines 32-35 (emphasis added). In other words, Wilkinson actually teaches away from such rotation of the connector and the footplate as such rotation would cause the rivet or bolt to snap as the footplate rotated about the horizontal leg of the tubular member.

Likewise, Wilson also teaches against rotation of the connector and footplate about the axis defined by the horizontal leg of the L-shaped frame. Wilson teaches that "the damper 44 is not rigid but made of resilient material, [such that] a *very* limited rotation of the ball 24 about the x and y axes is also allowed. The damper 44 elastically resists rotation about the x and y axes and tends to return the ball 24 to its initial position with respect to these axes whenever it is moved by external forces." Wilson et al., Col. 4, lines 26-34. Again, Wilson teaches a very limited amount of movement about the x axis by the ball 24 but does not teach, suggest or disclose any rotational movement of the footplate about the same axis.

Phillips also teaches against rotation of the connector and footplate about an axis defined by the horizontal leg of an L-shaped frame. Phillips teaches an ankle block 16 "sandwiched between the foot plate 12 and the ankle plate 14 and is preferably glued or bonded to both plates using polyurethane adhesive or other known securement technologies." Phillips, Col. 3, lines 5-9. Figs. 5a –5d further suggests that any rotational movement about the spring between the ankle plate and footplate would be about an axis transverse to that of the footplate. Furthermore, any rotation about the axis defined by the footplate would result in a break of the bond between the ankle block and the ankle plate and footplate. Thus, Phillips also teaches against such rotational

movement of the connector and the footplate about an axis defined by the horizontal leg of an L-shaped frame.

Independent claims 10 and 18 include the limitation of the connector being adapted to rotate about the axis defined by the horizontal leg of the L-shaped frame. For the foregoing reasons, applicant respectfully submits that the cited prior art does not anticipate the present invention, and that the application is now in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment and its encloses are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: December 9, 2002

Aida Blekhman

PATENT
Attorney Docket No. P1308USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kuiken	)	
	)	Examiner: Bruce E. Snow
Application No.: 09/558,570	)	
	)	Group Art Unit: 3738
Filed: April 26, 2000	)	
	)	
For: HIGH PROFILE MULTIAXIAL PROSTHETIC FOOT	)	

AMENDED CLAIMS MARKED TO SHOW CHANGES MADE
37 CFR 1.121(c)(1)(ii)

1. A prosthetic foot comprising:

an L-shaped frame having a first axis and a second axis, the first axis forming a substantially horizontal leg of the L-shaped frame;

a connector connected to the frame, the connector being adapted to rotate [between 0° and 180°] about the first axis; and

a footplate attached to the connector, the footplate defining a first end and a top plane such that the footplate is also adapted to rotate about the first axis.

10. A prosthetic foot comprising:

an L-shaped frame;

a connector having a spring rotatably connected to the frame;

a footplate attached to the connector, the footplate defining a longitudinal axis such that the longitudinal axis is a rotation axis of the footplate about the frame; and

means for controlling the rotation of the footplate about the frame [between 0° and 180°], the rotation controlling means being adapted to be attached to the frame.

18. A prosthetic foot comprising:

an L-shaped frame; a connector having a spring connected to the frame such that the connector may rotate about the frame [between 0° and 180° about an axis] transverse to a medial-lateral direction of movement of the prosthetic foot; and

a foot plate attached to the connector.